

*FORM PTO-1390
OFFICE
(REV 11-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK

ATTORNEY'S DOCKET NUMBER
412692000403

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. § 371**

U.S. APPLICATION NO. [REDACTED] 37 CFR 1.5
DATE COPY
02/28/2002
FEE PROCESSING

INTERNATIONAL APPLICATION NO
PCT/US99/30619

INTERNATIONAL FILING DATE
December 23, 1999

PRIORITY DATE CLAIMED
December 24, 1998

TITLE OF INVENTION
DEVICES AND METHODS FOR MARKING OF A BIOPSY CAVITY (AS AMENDED)

APPLICANT(S) FOR DO/EO/US
D. Laksen SIRIMANNE et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

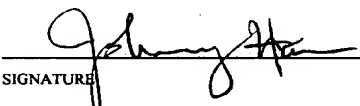
1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
 2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
 3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
 4. ☐ The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).
 5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
 6. ☐ An English language translation of the International Application under PCT Article 19 (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
 7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
 8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
 9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). Executed Declaration, signed in counterpart - 18 pages
 10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).
- Items 11. to 16. below concern document(s) or information included:**
11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
 12. ☐ An assignment document for recording. A separate cover-sheet in compliance with 37 CFR 3.28 and 3.31 is included.
 13. ☐ A **FIRST** preliminary amendment.
 14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
 15. ☐ A substitute specification.
 16. ☐ A change of power of attorney and/or address letter.
 17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
 18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
 19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
 20. ☒ Other items or information: Copy of Notification of Missing Requirements - 2 pages; Declaration of Steven KIM - 2 pages; Petition under 37 C.F.R. §1.47(a) - 2 pages; return receipt postcard.

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: EV093214006US Date of Deposit: February 27, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Tamara Alcaraz

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 09/869,282		INTERNATIONAL APPLICATION NO. 09/869,282	
DUPLICATE COPY		ATTORNEY'S DOCKET NUMBER: 412692000403	
21. <input type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO.....\$1,040.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO.....\$890.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....\$740.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provision of PCT Article 33(1)-(4)\$710.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4)\$100.00		FOR FEE PROCESSING CLAIMS PTO USE ONLY	
ENTER APPROPRIATE BASIC FEE AMOUNT =		\$ 0	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		\$130	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	81 - 81 =	0	x \$18.00
Independent claims	11 - 11 =	0	x \$84.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$280.00
TOTAL OF ABOVE CALCULATIONS =		\$130	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by ½.		\$65	
SUBTOTAL =		\$65	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).		\$0	
TOTAL NATIONAL FEE =		\$65	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property		\$	
Extension Fees - Fifth month		\$980	
TOTAL FEES ENCLOSED =		\$0	
03/07/2002 HNGUYEN 00000039 031952 09869282 01 FC:254 65.00 CH		Amount to be refunded:	\$0
		charged:	\$1,045
a. <input type="checkbox"/> A check in the amount of \$ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my <u>Deposit Account No. 03-1952</u> in the amount of \$1,045 to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment to <u>Deposit Account No. 03-1952</u> referencing Docket No. 412692000403. A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.			
SEND ALL CORRESPONDENCE TO: Sanjay S. Bagade Morrison & Foerster LLP 755 Page Mill Road Palo Alto, California 94304-1018			
		 SIGNATURE	
		Johny Han, <u>Registration No. 45,565</u> for Sanjay S. Bagade <u>Registration No. 42,280</u>	